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**Edward M. Grushko**

**Barbara R. Mittman**

**Ellezer Drew - Admitted NY/NJ**

January 17, 2008

BY FACSIMILE

Hon. Alvin K. Hellerstein.  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007  
(212) 805-7942

*The conf. is cancelled  
1-17-08  
Alvin K. Hellerstein*

**Re: Alpha Capital Anstalt v. Ness energy International, Inc.**  
**Index No.: 07 civ 9242 (AKH)**

Dear Judge Hellerstein:

I am writing regarding the conference scheduled for tomorrow, Friday, January 18, 2008 at 9:45 A.M. Upon receipt of the Notice of Court Conference, I forwarded a copy to the last known address of the Defendant. I never was contacted by any representative of the Defendant about this case and do not believe anyone will be appearing on the Defendant's behalf.

I submitted default judgment to the court that the Court declined to sign absent proof of actual notice by the Defendant. I have obtained such proof this week and as the Defendant was informed, intend on refilling the Default Judgment. In light of the above I respectfully request that the conference be adjourned pending an appearance by the Defendant.

Very truly yours,



Eliezer Drew (ED0625)